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13. SPECIAL CONSIDERATIONS IN HIRING OR USING THE SERVICES OF CERTAIN INDIVIDUALS

a. RETIRED AGENCY EMPLOYEES, OTHER RETIRED U.S. GOVERNMENT CIVILIAN EMPLOYEES, AND RETIRED MILITARY OFFICERS

(1) POLICY

(a) Retired Agency employees, other retired U.S. Government civilian employees, and retired military officers, whose retirement is based on service may be hired to meet only those requirements that cannot be filled either by the internal reassignment or training of on-duty personnel, or by the recruitment of new employees who are qualified and who may be expected to serve a considerable number of years with the Agency.

(b) A retiree whose retirement is based on service and who is being employed in staff status will be given either a temporary or reserve appointment as defined [redacted]. The appointment, including any renewals or extensions, may not extend the duration of the retiree's employment beyond the month in which he attains age 60.

(c) When a former civilian Government employee who retired for length of service is reemployed, his annuity normally continues but his salary is reduced by the amount of the annuity received. Employees who retired under the provision [redacted] and who at a later date are recalled to duty under the provision [redacted] will be paid the full salary at the grade in which they are serving in lieu of their annuity. Should a civilian annuitant be hired under contract, such contract will be written for a term of not more than one year and will contain a 30-day termination clause. The following will apply in the negotiation and administration of the contractual relationship:

(1) **Contract Employee.** The salary to be paid will be negotiated with due regard to the qualifications of the individual and requirements of the assignment. However, in no case may the combination of salary plus annuity computed on an hourly basis exceed the grade and pay step that provides an hourly rate of pay closest to 90 percent of the current salary of the annuitant's grade and step at the time of his or her retirement.

(2) **Independent Contractor**

(a) The contractual fee paid an annuitant under an independent contractor agreement will be determined by the nature and value of the services to be rendered except that total remuneration paid to an individual during a contract year may not exceed 90 percent of the current salary of the grade and step held by the annuitant at the time of his retirement. Total remuneration means the individual's annuity plus all amounts authorized to him resulting from the contractual relationship including any amounts authorized under subparagraph (b) below.

(b) Unless there is a clear and overriding operational justification, no housing expense, cost-of-living expense, or other payments in the nature of the perquisites commonly accorded employees will be authorized.

(c) Operational expenses must be specifically authorized in advance by the appropriate authority.

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(d) An Agency official will be designated to monitor the performance of each independent contractor and to attest annually that the terms of the contract have been met and that full value has been received. Instances of unsatisfactory performance or insufficient value received will be corrected promptly.

(d) When a retired officer of a regular component of a uniformed service is appointed to an Agency position, he is subject to the dual pay provisions of Section 5532, Title 5, U.S. Code.

(e) The appointment of a retiree is subject to the same requirements for security, medical, and administrative approvals as apply to other appointees.

(2) RESPONSIBILITIES

(a) Deputy Directors and Heads of Independent Offices will ensure that the proposed engagement of a retiree, including the extension or renewal of an appointment or contract, is consistent with the policies set forth above.

(b) The Director of Personnel will personally review requests to engage retirees, to extend or renew such an appointment or contract, and will approve those which in his judgment are consistent with the policies set forth above.

(3) EXCEPTIONS

(a) Exceptions to the age limitation in subparagraph a(1)(b) above and the policy of limiting appointments of retirees to temporary and reserve employees status will be granted only when the individual possesses rare and outstanding qualifications needed by the Agency. Requests for exceptions must be justified by the Head of the Career Service concerned and will be forwarded to the Director of Personnel. The Director of Personnel will forward all such requests with his recommendation to the Director for approval.

(b) Requests for exceptions to the 90 percent salary limitation in subparagraph a(1)(c)(1) and (2) must be justified by the Head of the Career Service concerned and will be forwarded to the Director of Personnel. The Director of Personnel will forward all such requests with his recommendation to the Deputy Director for Administration for approval.

B. EMPLOYMENT OF MEMBERS AND FORMER MEMBERS OF THE PEACE CORPS

(1) POLICY

(a) Members and trainees of the Peace Corps will not be employed or used in any capacity, with or without remuneration, by the Agency or by Agency-controlled organizations. (The term "members of the Peace Corps" will be understood to mean anyone employed by or associated with the Peace Corps, except trainees.)

(b) Former members of the Peace Corps may be employed or used by the Agency or by Agency-controlled organizations only in accordance with the following:

(1) Except as stated in (2) below, a former member of the Peace Corps may be employed or used by any element of the Agency only if a period of five full years has elapsed since his separation from the Peace Corps.

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